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SUBJECT: PROTECTING INDIGENOUS PEOPLES AND LANDS IN THE PHILIPPINES

11. Summary: Since 1997, the Philippines has explicitly sought to protect and enhance the rights of its indigenous peoples, including "ancestral domains" and self-governance. Special legislation and an oversight commission address key concerns, which should be of increasing relevance in the wake of an eventual peace accord between the Philippine government and the Moro Islamic Liberation Front, a group that claims its own right to ancestral domain and self-governance for the Bangsamoro people of Mindanao and the Sulu Archipelago. Despite some progress, much work remains. The USG has numerous programs already in place to help various indigenous groups assert and protect their rights, and will continue to assist the Philippine government in these important endeavors whenever possible. End Summary

LANDMARK LEGISLATION

12. On October 29, 1997, the Philippine Congress approved Republic Act No. 8371, entitled "The Indigenous Peoples Rights Act of 1997," which in essence fleshed out in practical terms out several provisions of the 1987 Constitution. The Act declared that, within the framework of Philippine national unity and development, the Philippines would respect and protect indigenous people's (IP) rights to "ancestral domains" in order to ensure economic, social, and cultural well-being and preserve and develop their cultures, traditions, and institutions. The Act prescribed four specific entitlements of the IP: ancestral domains; self-governance and empowerment; social justice and human rights; and, cultural integrity. The Act also established the National Commission on Indigenous Peoples -- a government agency -- to implement the legislation.

WHO ARE INDIGENOUS PEOPLES?

13. The term "indigenous peoples" refers to the more than 12 million descendants of the original inhabitants of the Philippines, who in many cases have retained their own customs, traditions, and ways of life. These original inhabitants created communities that had all the attributes of independent states -- people, territory, government, and sovereignty. Currently, there are 110 recognized, distinct IP, each with its own unique language and customs. They include such groups as the Ifugao in Northern Luzon, the Ati in the Visayas, and the Subanen and Higaonon tribes of Mindanao. During the colonial era, U.S. administrators created the "Bureau of Non-Christian Tribes" under the Department of Interior. The groups later became known as "cultural minorities," or "tribal Filipinos."

THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES

14. The National Commission on Indigenous Peoples (NCIP) has

responsibility for formulating and implementing the Government's policies and programs to "recognize, promote, and protect" the rights and well-being of IP, including recognition of their ancestral domains and rights thereto. Its mandate explicitly excludes the Autonomous Region in Muslim Mindanao (ARMM), although some groups in the ARMM -- notably, non-Muslim "lumads" -- technically would qualify for IP status. NCIP officials are now seeking Presidential authority to expand its role in the ARMM.

COMMISSION'S STRUCTURE

¶5. The President appoints the NCIP Chairperson and six Commissioners, who must be members of a recognized IP group representing specified areas of the country - Region I (Cordilleras); Region II (the rest of Luzon); island groups of Mindoro, Palawan, Romblon, Panay, and the rest of the Visayas; Northern and Western Mindanao; Southern and Eastern Mindanao; and, Central Mindanao. The Act specifies that at least two Commissioners must be women. The Commissioners serve for one three-year term, subject to reappointment for one additional term. The Commission's seven offices cover: Ancestral Domains; Policy, Planning, and Research; Education, Culture, and Health; Socio-Economic Services and Special Concerns; Empowerment and Human Rights; Administration; and, Legal Affairs. An Executive Director, also appointed by the President of the Philippines, handles the NCIP's daily management.

¶6. The Commission's main office is located in Quezon City in Metro Manila, and there are 12 regional offices and 66 provincial service offices. The Commission currently has a staff of approximately 1,500 employees and a budget of 487 million pesos (USD\$5 million). The NCIP has undertaken major programs, such as cultural mapping of IP communities, surveying and delineating ancestral

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domains, and issuing Certificates of Ancestral Domain Title and Certificates of Ancestral Land Title.

CORE FUNCTION: ANCESTRAL DOMAINS

¶7. Ancestral domains can consist of lands, inland waters, coastal areas, and/or natural resources occupied or possessed by IP, communally or individually. The Ancestral Domains Office registers all claims to ancestral lands and tries to ensure the recognition and legal titling of the ancestral domain claims. Additionally, the Office develops sustainable development protection plans to help protect the culture, resources, and rights of IP and to provide a "roadmap" to ensure IP groups' continued existence and recognition.

¶8. As of April 13, 2007, the Ancestral Domains Office had registered 57 ancestral domain titles and 172 ancestral land titles involving 1.121 million hectares (2,768,870 acres). It has completed surveys on another 1.048 million hectares, with surveys still ongoing for more than 890,000 additional hectares. It is also examining claims to more than 3.3 million hectares, according to its executive director.

INTERNATIONAL SUPPORT

¶9. The United Nations Development Program provides technical assistance to the NCIP in the formulation of ancestral domain sustainable development and protection plans. Separately, the Embassy of Japan, through a contribution by the Japan Social Development Fund to the World Bank's Agrarian Reform Communities Development Project, has provided financial assistance in five geographic areas -- Batanes Island, Tiwi Albay, Moncoayo, Davao City, and Davao Del Norte -- aimed at constructing bridges, farm-to-market roads, tribal halls, and water systems, as well as at developing livelihood programs for women. The Embassies of Canada and New Zealand have also shown interest in contributing to the

Commission's work.

¶10. The USG, through USAID, is working to support IP groups in their efforts to take ownership and manage their ancestral lands in a sustainable manner. Currently, USG assistance goes to the Agta and Bugkalot communities in Northern Luzon and the Manobo and T'boli communities in Mindanao for the formulation and implementation of ancestral domain sustainable development and protection plans, livelihood development, and resolution of conflicts over boundaries and resource use. In Coron, Palawan Province, USAID assists the Federation of Tagbanwa communities in conducting coastal resource assessments and in establishing marine sanctuaries in their ancestral waters.

¶11. USAID has also provided technical assistance to NCIP to develop a joint protocol with the Department of Environment and Natural Resources to harmonize jurisdiction and permitting issues in protected areas. In addition, through the Philippine Tropical Forest Conservation Foundation (a grant-making entity formed under the U.S. Tropical Forest Conservation Act), the USG has provided grants to the Kankana-eyes and Ibalois in Benguet, Agtas in Bataan, Palawanos in Palawan, and Higaonons and Matigsalogs in Mindanao to support implementation of ancestral domain sustainable development and protection plans.

MIXED SUCCESS

¶12. In addition to the lack of technical equipment and staff, concerns to date regarding the pace of reforms center on the inability of the Commission to conduct investigations and surveys in ancestral lands occupied by armed combatants. A former staff member of the Congressional Committee on National Cultural Communities specifically cited Subanon in Mindanao as one of the areas in which militant groups control significant parts of ancestral land. Other difficulties have arisen in areas where logging or mining corporations or the Department of Environmental and Natural Resources have competing interests. Further, reports by human rights groups and the media have commented on the lack of enforcement of IP rights, sometimes intimating that government agencies and/or military units are complicit in failing to protect IP lands or rights.

COMMENT

¶13. The efforts by the Philippine government to preserve and protect the culture, traditions, and lands of indigenous peoples

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over the past decade have been welcome, if still inadequate. Problems preventing the expeditious titling and recognition of ancestral lands run from the mundane -- people and equipment -- to the political -- armed insurgents and terrorist groups and internal government and business opposition. Embassy will continue to monitor Philippine efforts help indigenous peoples and to designate ancestral lands, particularly those areas that are now occupied by armed insurgent groups, and will continue whenever possible to offer practical USG assistance programs.

KENNEY